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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,993	06/02/2002	Terry S. Callaghan	TSC01 P300A	5739

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EXAMINER

TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,993

Applicant(s)

CALLAGHAN, TERRY S.

Examiner

Carol S Tsai

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 9-11, 13,16-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 14,15,23,24 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

2. In view of the APPELLANT'S BRIEF filed on 03/12/2004, PROSECUTION IS HEREBY REOPENED. The Office Action with the new ground(s) of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 6, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,694,322 to Westerlage et al. in view of U. S. Patent No. Patent No. 5,550,738 to Bailey et al.

With respect to claims 6 and 7, Westerlage et al. disclose a vehicle mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) mounted in a vehicle for tracking travel distance of the vehicle (see col. 16, lines 45-48); a transmitter (transceiver 94 shown on Fig. 9) mounted in the vehicle coupled to the tripmeter for transmitting the travel distance (see col. 4, lines 57-59); a receiver (receiver 44 shown on Fig. 1) remotely located from the vehicle for receiving the travel distance transmitted by the transmitter; and a computer (input-output device 126 shown on Fig. 10) coupled to the receiver for receiving and storing the travel distance received by the receiver (see col. 18, lines 52 to col. 19, line 6).

Westerlage et al. do not disclose storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip.

Bailey et al. teach storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip (see col. 3, lines 17-29 and col. 8, lines 4-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip, as taught by Bailey et al., in order that travel data of business trip or personal trip from the vehicle can be recorded.

As to claim 9, Westerlage et al. also disclose computer being a computer server coupled to a local area network (see col. 4, line 65 to col. 14).

As to claim 11, Westerlage et al. also disclose the transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see Figs. 1 and 9 and col. 4, line 57 to col. 5, line 14).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. as applied to claims 6 and 9 above, and further in view of U. S. Patent No. 6,301,533 to Markow.

As noted above, Westerlage et al. in combination with Bailey et al. teach all the features of the claimed invention, but do not disclose an electronic mail message including the vehicle identification code and travel distance.

Markow teaches an electronic mail message including the vehicle identification code and travel distance (see col. 2, lines 53-58 and col. 4, lines 19-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al. in combination with Bailey et al.'s system to include an electronic mail message including the vehicle identification code and travel distance, as taught by Markow, in order that information of vehicle identification code and travel distance can be transmitted via the computer to either the police or a technician.

6. Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,694,322 to Westerlage et al. in view of U. S. Patent No. 5,673,018 to Lowe et al.

As to claim 25, Westerlage et al. a mileage tracking system for use in a vehicle, said mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) for tracking

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travel distance of the vehicle (see col. 16, lines 45-48); and a transmitter (transceiver 94 shown on Fig. 9) coupled to said tripmeter for transmitting the travel distance to a receiver (receiver 44 shown on Fig. 1) that is remotely located from the vehicle (see col. 4, line 53 to col. 5, line 14).

Westerlage et al. do not disclose said transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal.

Lowe et al. teach said transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see Abstract, lines 1-3 and col. 2, line 62 to col. 3, line 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s method to include said transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal, as taught by Lowe et al., in order that the distance which the vehicle has traveled can be determined from the transmitted information (see col. 2, line 67 to col. 3, line 2).

As to claim 16, Westerlage et al. also disclose the transmitter being an RF transmitter for transmitting an RF signal to a receiver coupled to the remote device (see col.5, lines 15-32).

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U. S. Patent No. 4,875,167 to Bailey et al.

As to claim 18, Westerlage et al. a mileage tracking system for use in a vehicle, said mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) for tracking travel distance of the vehicle (see col. 16, lines 45-48); and a transmitter (transceiver 94 shown

on Fig. 9) coupled to said tripmeter for transmitting the travel distance to a receiver (receiver 44 shown on Fig. 1) that is remotely located from the vehicle (see col. 4, line 53 to col. 5, line 14).

Westerlage et al. do not storing an indicator in association with each trip segment whether the trip segment was a business trip a personal trip.

Bailey et al. teach storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip (see col. 3, lines 17-29 and col. 8, lines 4-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip, as taught by Bailey et al., in order that travel data of business trip or personal trip from the vehicle can be recorded.

As to claim 17, Westerlage et al. also disclose the vehicle tripmeter time- and date-stamps mileage trip segments that are recorded between periods (see col. 7, lines 38-64).

Westerlage et al. do not disclose expressly that trip segments are time stamped between vehicle ignition being turned on and off, but it is considered inherent, because such definition is known to be a necessary requirement in order that odometer data computer system can start accumulating the trip mileage when the engine is turned on and stop accumulating the trip mileage when the engine is turned off.

8. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. as applied to claim 18 above, and further in view of U. S. Patent No. 4,875,167 to Price et al.

As noted above, with respect to claim 19-22, Westerlage et al. in combination with Bailey et al. teach all the features of the claimed invention, but do not the tripmeter totaling one of the travel distances traveled during a specified period of time.

Price et al. teach the tripmeter totaling one of the travel distances traveled during a specified period of time (see Abstract, lines 2-13; col. 4, lines 21-23; and col. 6, lines 17-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al. in combination with Bailey et al.'s system to include the tripmeter totaling one of the travel distances traveled during a specified period of time, as taught by Price et al., in order to provide an end-of-year tax reporting.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. as applied to claim 18 above, and further in view of U. S. Patent No. 5,497,323 to McCall et al.

As to claim 13, Westerlage et al. disclose a display (output 104 shown on Fig. 9) coupled to the vehicle tripmeter for displaying the travel distance.

Westerlage et al. in combination with Bailey et al. do not disclose the display being selective.

McCall et al. teach the display being selective (see col. 3, lines 44-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al. in combination with Bailey et al.'s system to include the display being selective, as taught by McCall et al., in order to asynchronously display cumulative vehicle travel distance and trip travel distance (see McCall et al. col. 3, lines 48-50).

Allowable Subject Matter

10. Claims 14, 15, 23, 24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 1-5 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter:

U. S. Patent No. 6,297,781 to Turnbull et al. is the reference closest to the claimed invention. Turnbull et al. disclose a mileage display system for a vehicle comprising: a receiver for receiving a signal from a remote transmitter; a mileage accumulator coupled to the receiver for accumulating vehicle mileage received from a mileage sensor as the vehicle travels; and a display for displaying the vehicle mileage accumulated by the mileage accumulator. However, Turnbull et al. do not teach accumulating vehicle mileage in response to a signal received by said receiver from the remote transmitter; and including all of the other limitations in the respective independent claims.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be

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directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai
Patent Examiner
Art Unit 2857

04/25/04